



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

MINUTES  
MAUI/LANAI ISLAND BURIAL COUNCIL MEETING

DATE: THURSDAY, MAY 26, 2006  
TIME: 9:00 A.M.  
PLACE: COUNTY OF MAUI  
PLANNING DEPARTMENT  
KAULANA PAKUI BUILDING 1<sup>ST</sup> FLOOR  
250 S. HIGH STREET  
WAILUKU, HI 96793

ATTENDANCE:

Members:

Charles Maxwell, Chair  
Dana Naone Hall, Vice-Chair  
Leslie Kuloloio  
Edward Kaahui  
Scott Fisher  
Pua Paoa  
William Frampton  
Mei Lee Wong  
Kema Kanakaole

Absent:

Keeaumoku Kapu (excused)

Staff:

Kawika Farm, Clerk Stenographer II  
Vince Kanemoto, Deputy Attorney General  
Hinano Rodrigues, Cultural Historian  
Jenny Pickett, Maui Assistant Archaeologist

Guest:

Karlynn Kawahara	Allan Hasegawa
Gene Matsushige	Heidi Bigelow
Gus Gianulias	Daren Suzuki
Julie Gianulias	Michael Dega
Mark Alexander Roy	Calvin Higuchi
Lisa Rotunno-Hazuka	Leonard Nagima
Erik Fredericksen	Foster Ampong
Chubby Vicens	Bill Horneman
Russel Gushi	Stephanie Ross

David Gomes  
Tammy Kanakaole  
Anthony Rielke-Gonzales  
Chris Hart

Francine Ulu Lavilla  
Poha Kanakaole  
Raymond Cabbe

## **I. OPENING REMARKS**

Maui/Lanai Islands Burial Council (MLIBC) Chair, Charles Maxwell calls the meeting to order at 9:15 a.m. Council members Edward Kaahui, Leslie Kuloloio, Mei Lee Wong, Dana Hall, William Frampton and Scott Fisher each introduced themselves. C. Maxwell introduced Attorney General Vincent Kanemoto and SHPD (State Historic Preservation Division) staff Kawika Farm.

## **II. APPROVAL OF MINUTES**

April 27, 2006

On page 23, line eight of the first paragraph, D. Hall said to include a “comma” between the words “activity” and “use.” Within the same sentence on line nine, D. Hall said to replace the word “affect” with “effect.” In the last line of the first full paragraph on page 24, D. Hall said to include the word “of” between the word “extension” and the number “2.” In the second line at the top of page seven, L. Kuloloio said to switch the placement of the words “golf” and “a.”

**D. Hall moved and S. Fisher seconded, “that the Maui/Lanai Islands Burial Council approve the minutes of the April 27, 2006 council meeting as revised.”**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

## **III. BUSINESS**

### **A. BURIAL TREATMENT PLAN FOR SITE 50-50-03-5769 IN THE MAHANALUA NUI SUBDIVISION, PHASE IV, LAUNIUPOKO AHUPUAA, LAHAINA DISTRICT, ISLAND OF MAUI, TMK (2) 4-7-09:37**

**Determination:** Determination on a request to preserve in place human skeletal remains.

Mike Dega of SCS (Scientific Consultant Services) Archaeology introduced himself and announced that in September or October of 2006 the Society for Hawaiian Archaeology would hold its annual meeting on Maui at MCC (Maui Community College). M. Dega wanted to know if one or more of the council members would attend the event.

D. Hall said she had received a fax from M. Dega on May 24, 2006 regarding who the landowners of lot 35 were. D. Hall said the new landowners of lot 35 were Mr. Douglas Salisbury and Tom Brzozowski. Heidi Bigelow of West Maui Land Company said Launiupoko Associates sold lot 35 to D. Salisbury and T. Brzozowski. H. Bigelow said lot 35 was in escrow at the time the burial sites were discovered. H. Bigelow circulated a “letter of understanding about the burial site and that Launiupoko Associates would

process the burial treatment plan (BTP).” D. Hall asked if [D. Salisbury and T. Brzozowski] would be bound by the agreements of the BTP to which H. Bigelow answered yes. D. Hall questioned the cover page of the BTP in regards to who the plan was prepared for. H. Bigelow thought the cover page could be revised to replace “West Maui Land Company, Inc.” with the new landowners’ names. H. Bigelow said Launiupoko Associates was the previous owner of the property and West Maui Land Company was the land management company for Launiupoko Associates. D. Hall said that if West Maui Land Company had the authorization to process the BTP on behalf of the new owners, then D. Hall thought that the information should be included within the plan. D. Hall wanted specific language included in the BTP that would bind the plan to lot 35 and all future owners. D. Hall said the current owners needed to be named within the BTP.

(Kema Kanakaole arrives at 9:20 am.)

V. Kanemoto agreed with D. Hall on the point of having specific language included that would bind the property owners to the BTP especially since a new law recently passed made BTPs legally enforceable. V. Kanemoto thought the BTP should run and be binding to the property as well as the property owner. H. Bigelow said the BTP would run with the property. D. Hall asked H. Bigelow if she was opposed to having specific language included in the BTP that would specify who was processing the BTP on behalf of whom and who the current landowner was to which H. Bigelow answered no.

C. Maxwell wanted to know how the BTP would be recorded on individual deeds. H. Bigelow was not sure how the sites would be recorded due to technicalities involving the easement in the area. C. Maxwell wanted to know if the sites would be identified on the deeds belonging to D Salisbury and T. Brzozowski so that if the property was sold in the future, the new property owner would be informed of the site. H. Bigelow answered yes.

S. Fisher asked for an explanation of the last sentence of the first bullet point on page 17. M. Dega said the BTP would be registered with the Bureau of Conveyances and the in situ burial agreement would help SHPD keep track of the site. S. Fisher was concerned with the wording used, particularly with the word “may” [in that the landowner may also enter in to an in situ burial agreement]. M. Dega said the last sentence was a request.

W. Frampton said the second bullet point on page 17 required the current landowners to disclose the subject BTP to any future buyers and owners. V. Kanemoto said there were other disclosure requirements that pertained to real-estate transactions. M. Dega said the language of the first and second bullet points on page 17 were included in the BTP because the final landowner often was not the original landowner when a project had finally been completed.

D. Hall said the last sentence in the second paragraph on page one needed to specify who the landowners were. D. Hall wanted to know the length of time that would elapse before an individual TMK (Tax Map Key) was assigned to the subject parcel. H. Bigelow said the developer had been working with the Real Property Tax Office and recently received TMKs for some lots within the Launiupoko subdivision which had been

applied for over three years ago. D. Hall thought the sites could be lost [track of] due to not having its' own individual TMK numbers and asked other council members to remember how similar issues were dealt with in the past. V. Kanemoto suggested the council recommend specific and contingent language be included into the BTP to address D. Hall's concerns. M. Dega thought SHPD would be notified through county permits should the subject parcel ever be subdivided in the future.

(Pua Paoa and Hinano Rodrigues arrive at 9:37 a.m.)

D. Hall asked if the notification process from the county to SHPD was "fool proof," to which Jenny Pickett answered no. D. Hall suggested the council request language be placed on page 17 of the BTP to reflect that upon issuance of a new TMK for lot 35, D. Hall wanted to be sure the site would be protected and not inadvertently lost. W. Frampton thought lot 35 was adequately protected as written in the BTP and thought the site would transfer over to the new owner(s) should lot 35 be sold in the future. W. Frampton said that TMKs were primarily for the purpose of tracking taxes. D. Hall said SHPD relied on TMKs for tracking and filing purposes within the division. H. Bigelow said the TMK (4-7-09:37) on the cover of the BTP was subdivided and lot 35 was a portion of that TMK. H. Bigelow said lots 35, 36, 37 and 38 were all currently tracked under TMK: 4-7-09:37 and that all the lots would be listed on any subsequent building permits applied for. H. Bigelow said the burial site would be referenced should action be sought in terms of a permit for any of the subdivided lots. D. Hall wanted to be sure that when lot 35 was issued an individual TMK separate from TMK: 4-7-09:37 that the transition would be smooth and there would be no missing gaps or loss of information. J. Pickett acknowledged that SHPD relied on TMK numbers to identify the location of sites.

C. Maxwell wanted to know if sites on a property were disclosed when requesting TMK numbers to which H. Bigelow said no. C. Maxwell asked if properties were described when requesting TMKs. H. Bigelow said the metes and bounds descriptions were disclosed when TMKs were requested.

D. Hall wanted to know if an asterisk could be included in the BTP that when lot 35 is first mentioned, a footnote could be included into the BTP which would read, "when a TMK number is issued for lot 35, that this BTP shall be reopened to insert the TMK number." H. Bigelow did not have any objections to D. Hall's request. D. Hall suggested including lot 35 on the cover page of the BTP. D. Hall suggested a running list of all the recommendations made by the council be kept and that a general motion be made at the end of discussing the subject agenda item to include all the individual recommendations. D. Hall recommended that lot 35 shall appear on the title page of the burial treatment plan and at the first mention of lot 35 within the text of the BTP, shall have an asterisk that will lead to a footnote that states, "the burial treatment plan shall be amended to insert the TMK number for lot 35 once it has been issued."

S. Fisher said to include the word "be" between the words "may" and "removed" in the second to the last sentence on page 15. In the third to the last sentence of the first bullet point on page 17, S. Fisher suggested replacing the word "we" with "be."

D. Hall wanted an earlier recommendation pertaining to language which clearly identified the landowner(s) in relationship to the entity processing the subject BTP on behalf of the landowner(s) to be contained within burial treatment plan. D. Hall said lot 35 was first mentioned on page one under the heading of Project Area Description and Setting. M. Dega said he had visited the site during the week of May 16-22 and confirmed that the interim fencing was still in place. D. Hall mentioned some of the buffer zone distances were changed. M. Dega said SCS had double checked their work through use of a scale and the change in buffer distances were the corrected results.

D. Hall said the second to the last bullet point on page 15 under the subheading, Interim Preservation Measures should be removed and placed under the subheading, Proposed Treatment and Preservation. D. Hall said the last bullet point on page 15 needed to distinguish whether or not the additional 52 foot drainage easement to the north of the burial site would be used as part of the 12 foot buffer already established on lot 35. H. Bigelow said the developer had no authorization from the owners of lot 36 to use the drainage easement as part of the buffer area. D. Hall said to include a sentence in the last bullet point on page 15 to read, "adjacent to the northern boundary of the permanent preservation area, is a drainage reserve on lot 36 which is a no build zone. This no build zone may provide additional protection for the burial."

In the first bullet point on page 16, D. Hall said to change the use of the words, "permanent preservation zone" to "permanent preservation area." D. Hall said that since meters were used to give distances on page 16, suggested M. Dega either stick with meters or to not use meters and stick with feet. D. Hall suggested deleting the second to the last sentence in the first bullet point on page 16 because lot 36 could not be bound to the subject BTP. D. Hall suggested rephrasing the first sentence of the third bullet point on page 16 to say "landowner's representative," instead of "landowner or representative thereof," and to make a global change within the BTP. In the last sentence of the fourth bullet point on page 16, D. Hall said to change the word "zone" to "area," and to include the words "perimeter of the" after the word "the" at the beginning of the sentence. D. Hall recommended including the words "and/or others wishing to visit the burial site," at the end of the last sentence of the fifth bullet point on page 16.

In the first sentence of the first bullet point on page 17, D. Hall said to change the words "buffer zone" to "preservation area." In the second to the last sentence of the first paragraph on page 17, D. Hall said to change the word "Preservation" to "Treatment." In the second bullet point on page 17, D. Hall said to include the word "of" between the words "landowner" and "Lot 35," and to remove the parenthesis around Lot 35. D. Hall said to delete the words "Director of Cultural Programs," from the third bullet point on page 17 because SHPD not longer had a Director of Cultural Programs.

**D. Hall moved and E. Kaahui seconded, "that the Maui/Lanai Islands Burial Council determines that site 50-50-03-5769, Feature C located on Lot 35 at the Mahanalua Nui Subdivision Phase IV shall be preserved in place for the following reasons: The remains are located within a context of historic properties and the landowner agrees to preservation in place."**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

**D. Hall moved and L. Kuloloio seconded, “that the Maui/Lanai Islands Burial Council recommends to the Department of Land and Natural Resources’ State Historic Preservation Division the list of individual recommendations made during the discussion on the burial treatment plan for site 50-50-03-5769, and that these recommended revisions be incorporated into the burial treatment plan.”**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

**B. KAHULUI AIRPORT IMPROVEMENTS PROJECT, WAILUKU AHUPUAA, WAILUKU DISTRICT, ISLAND OF MAUI, TMK: (2) 3-8-1: PARCEL 19**

**Information/Recommendation:** Discussion of improvements at Kahului Airport and mitigation for Burial Site 50-50-05-1798 (A&B).

*Chair C. Maxwell had to recuse himself from the next agenda item due to his involvement in drafting the cultural assessment. Vice-Chair, D. Hall Chairs the meeting.*

Karlynn Kawahara of Munekiyo and Hiraga introduced herself and Gene Matsushige an engineer for the State Department of Transportation, Airport Division, Allan Hasegawa the project engineer of KSF, Inc. Charles Maxwell the cultural consultant of CKM Cultural Resources LLC, and Erik Fredericksen the archaeological consultant of Xamanek Researches. K. Kawahara said a revised addendum to the burial preservation plan had been submitted to SHPD with comments from the burial council at the April 27, 2006 MLIBC meeting. D. Hall said a meeting was held on May 15, 2006 at SHPD’s Maui Office Annex with K. Kawahara, Charles Maxwell, Erik Fredericksen, Hinano Rodrigues, Jenny Pickett and herself. D. Hall said the preservation plan prepared in 1997 and the revisions to the addendum were discussed at the May 15 meeting. D. Hall reminded H. Rodrigues about her request for copies of the July and August MLIBC minutes of 1997. H. Rodrigues said he would provide her with the copies.

In the first sentence of the second paragraph on page two, D. Hall suggested using lower case lettering for “Burial Preservation Plan.” D. Hall said to delete the word “burial” in the second sentence of the same paragraph so the text reads “preservation plan,” and to correct the spelling of “Tomanari” to “Tomonari.” D. Hall said a sentence regarding the publication of notice which was found in the August 1997 MLIBC minutes needed to be included after the second sentence on page two of the addendum. D. Hall said to delete the word “burial” from the third sentence on page two.

D. Hall said the fourth line of the paragraph under the heading Proposed Runway Safety and Related Improvements Project, should have the word “burial” removed and replaced with “1997.” D. Hall said Burial Preservation Plan in the last sentence on page two of the addendum should be in lower case. D. Hall said the third paragraph on page three should read, “The site is documented in a burial preservation plan prepared by M.J. Tomonari-Tuggle...” In the last sentence on the bottom of page three under the heading of Signage for Burial Site, D. Hall said to add a comma after the words “Hawaiian Burials” and to delete the comma after “(A&B).” On page five of the addendum, D. Hall said to change the heading of “Future Improvements to the Burial Site” to “Future Kahului Airport Improvement Projects.” D. Hall said the last sentence of

the first paragraph on page 5 should be a separate paragraph. D. Hall said the last sentence should be amended to read, "Any future work within or adjacent to the preservation area, including, but not limited to the placement of fill, shall be reviewed and approved by SHPD in consultation with the MLIBC." D. Hall said a sentence should immediately follow which would read, "The preservation area for sites 1798 A and B as depicted in this plan, shall be shown on the airport layout plan."

Due to site 1798 being in a sump that was a gathering place for water, L. Kuloloio requested language be included under the heading Future Kahului Airport Improvement Projects that pertained to diverting water away from site 1798 to prevent drastic flooding of the area.

D. Hall suggested a sentence be added under the heading Interviews of Informants to state that, "all interviews were conducted by Kahu Charles Kauluwehi Maxwell Sr." On page eight of the addendum, D. Hall said to delete the heading Conclusion and CKM's business information. D. Hall asked K. Kawahara if she had any objections to the suggestions that were made to which K. Kawahara answered no. In the third sentence of Oliver H. Cummings Sr.'s testimony on page seven, S. Fisher said the name "Kaya" should be deleted and replaced with "Ka'a."

**L. Kuloloio moved and S. Fisher seconded, "that the Maui/Lanai Islands Burial Council recommends that the Addendum Burial Preservation Plan be revised in accordance with the modifications requested by the council at today's May 25, 2006 meeting, and that once the Addendum Burial Preservation Plan is revised, that the State Historic Preservation Division approve the revised Addendum Burial Preservation Plan.**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

*C. Maxwell resumes chairing the meeting.*

**C. PROPOSED LAHAINA CANNERY MALL EXPANSION PROJECT AND RELATED IMPROVEMENTS, MOALII AHUPUAA, LAHAINA DISTRICT, ISLAND OF MAUI, TMK: (2) 4-5-11: 2, 3, AND 4.**

**Information/Recommendation:** Discussion of Lahaina Cannery Mall Expansion and related improvements.

Mark Roy of Munekiyo and Hiraga introduced himself, Calvin Higuchi of Hiyakumoto and Higuchi, Erik Fredericksen of Xamanek Researches, and Russel Gushi the landscape architect. (M. Roy gave council members a handout). M. Roy said a copy of the preservation area expansion plan was submitted to SHPD and the council. M. Roy asked council members to turn to the last page of the handout which was an overall summary of the preservation area expansion plan. M. Roy said the applicant as a result of comments and testimonies from the council and public at the previous MLIBC meeting (April 27, 2006) has tried to maintain and enhance as much as feasible, the cultural integrity of the existing preservation area. M. Roy said the last page summarized four key elements of the expansion plan. The first element was the proposed expansion of the preservation area from 244 square feet to 1,354 square feet.

The second element was to retain the existing monkey pod tree in its present location as is as well as planting two additional monkey pod tree near the preservation area. M. Roy said the proposed expansion of the preservation area would encompass the monkey pod tree. The third element was to landscape the preservation area with native Hawaiian shrubs and grass. The fourth and final element was to install a wooden fence along the active loading side driveway of the preservation area.

D. Hall asked for the fourth element to be explained in more detail. M. Roy said two wooden fences were being proposed, one on the side facing Kahoma Stream and the other on the side of the active loading driveway. M. Roy said both wooden fences would stop before reaching the existing monkey pod tree. M. Roy said a six foot wooden fence was proposed but also mentioned that the applicant was open to suggestions from the council. D. Hall asked Daren Suzuki what type of material were the black fences at the Maui Lani project made from. D. Suzuki believed the black fences at Maui Lani were anodized aluminum. D. Hall suggested anodized aluminum fencing in place of the proposed wooden fencing. D. Hall asked D. Suzuki if the anodized aluminum fence held up well against the elements to which the answer was yes. L. Kuloloio said a good example of what type of fence could be used could be found at the Royal Mausoleum in Lahaina at Waiola Church. L. Kuloloio said the fence at Waiola Church has been up for many years and was extremely resistant to rust. E. Fredericksen supported the use of an anodized aluminum fence and thought it would be most appropriate for the burial site at the Lahaina expansion project.

L. Kuloloio thanked M. Roy and his group for incorporating and adjusting their expansion project to include the suggestions and comments made by the council at the last meeting (April 27, 2006). L. Kuloloio asked if there would be a curb around the preservation area. C. Higuchi believed there would be a curb around part of the preservation area. D. Hall said she was very pleased with the plan. K. Kanakaole also was very pleased with the plan. L. Kuloloio said he was disappointed because he could not grumble [about the plan due to how well the plan was developed].

**D. Hall moved and E. Kaahui seconded, “that the Maui/Lanai Islands Burial Council approves [of] the preservation area treatment being proposed by the owners of the Lahaina Cannery Mall.”**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

**D. PROPOSED TREATMENT OF BURIAL FEATURES LOCATED WITHIN MAUI LANI, PHASE 6, WAILUKU AHUPUAA, WAILUKU DISTRICT, ISLAND OF MAUI, TMK 3-8-07: 131 PORTION**

**Information/Recommendation:** Discussion of burial features.

*L. Kuloloio recused himself because he had been consulted with on the Maui Lani project.*

Lisa Rotunno-Hazuka of Archaeological Services Hawaii (ASH), introduced herself and Daren Suzuki of the Maui Lani project. L. Hazuka handed out a packet which included maps of the Maui Lani project. L. Hazuka said the land use map was to depict the Maui



Lani area as well as the established preservation areas. L. Hazuka said the areas colored purple on the land use maps represented the preservation areas at Maui Lani. L. Hazuka said the project area being discussed was called Maui Lani Phase VI. L. Hazuka said there were three inadvertent burials, two of which were discovered along Maui Lani Parkway at find spot (FS) 56 A and B, and the other burial having been discovered near Ameron's sand mining operation at test site (TS) 3. L. Hazuka said FS 56 A was a partial in situ burial of an adult. L. Hazuka said FS 56 B were displaced remains of a child. L. Hazuka said Maui Lani had redesigned the roadway corridors so that the burials may be left in place. L. Hazuka said TS 3 was in the center of a proposed roadway that was redesigned to construct a median so the burial would be preserved in place.

S. Fisher asked if the lots were between 5,000 and 9,000 square feet. D. Suzuki said the minimum lot size was 5,000 square feet. L. Hazuka said an inventory survey for Maui Lani Phase VI had been conducted and identified five burial sites. L. Hazuka said feature one was a partial in situ burial of an adult. L. Hazuka said feature two were displaced remains of two children. L. Hazuka said feature three was also of an in situ adult. L. Hazuka said feature four was of a burial pit which was excavated to four feet in depth in which no remains were discovered. L. Hazuka said feature five were remains of an adult that were displaced during backhoe testing. L. Hazuka said the five features she had spoken about would all be preserved in place. L. Hazuka said feature five would be preserved in place through construction of a median. L. Hazuka said there were eight burial features, all of which would be preserved in place.

P. Paoa wanted to know the average distances of the lots at Maui Lani. D. Suzuki said the lots were around 30-50 feet wide by 150-200 feet long. C. Maxwell wanted to know the reason for the proposed greenway garden areas. L. Hazuka said the greenways were originally designed to preserve the burials in place without having to preserve the burial within a lot. D. Suzuki said the greenways were a concept borrowed from The Island mainly for aesthetic value. C. Maxwell wanted to know if the greenways were moveable should in situ burials be identified during construction. L. Hazuka thought there may be some leeway for relocating the greenways, but she also thought the situation would need to be dealt with on a case by case basis.

D. Hall asked if there were five in situ burials. L. Hazuka said there were two partial in situ and three displaced burials that were previously identified. D. Hall appreciated L. Hazuka's efforts on incorporating the plan around the burials. C. Maxwell said he appreciates L. Kuloloio's involvement with the Maui Lani project. D. Hall wanted to know if there would be surface markers for the burials that would be preserved in the greenways. L. Hazuka said there would be a rock platform with signage. D. Hall said the plan integrated the burials with the development so the burials would continue to be a part of the land.

M. Wong wanted to know who would maintain the preservation areas. L. Hazuka said maintenance would rest with the Homeowner's Association. L. Hazuka said she would present specific long-term treatment, landscaping, platforms, and signage for the burial sites at the next MLIBC meeting.

**E. DRAFT BURIAL TREATMENT AND PRESERVATION PLAN FOR HAWAIIAN CEMENT, WAILUKU AHUPUAA, WAILUKU DISTRICT, ISLAND OF MAUI, TMK: 3-8-7: PORTION 101**

**Information/Recommendation:** Discussion of Draft Burial Treatment and Preservation Plan.

Lisa Rotunno-Hazuka of ASH introduced herself, Stephanie Ross and Chubby Vicens both of Alexander and Baldwin (A&B), David Gomes and Bill Horneman both of Hawaiian Cement. L. Hazuka wanted to discuss the treatment of all the burials that were discovered at Hawaiian Cement. L. Hazuka said the project area was located in Waikapu off of Kuihelani Highway and Waiko Road. L. Hazuka said the project area was approximately 69 acres of a larger 435 acre parcel. L. Hazuka said the inadvertent burial sites were in clusters and each cluster had been designated with a specific locale. On a map, L. Hazuka identified locales 1, 4, 1&4 extension and 3. L. Hazuka said two burials sites discovered in 1998 were marked in orange on the map she handed out. L. Hazuka said site 4200 had four in situ burials and site 4201 had one documented burial. L. Hazuka said sites 4200 and 4201 had an accepted burial preservation plan that approved the sites to be preserved in place with a 50 foot buffer zone. L. Hazuka identified locale 2 and 2 extension on a map.

L. Hazuka said A&B wanted to preserve all the burials in locales 1, 4, 1&4 extension and 3 in place and the areas in between locales 1 and 4. L. Hazuka said the proposed preservation area would total around 15-17 acres. L. Hazuka said there were 39 individuals in locales 1, 4, 3, and 1&4 extension and nine probable burial pits.

C. Maxwell wanted to know why locale 2 was not mentioned as one of the locales to have burials preserved in place. L. Hazuka said the property owner (A&B) was asking that the burials located within locale 2 and 2 extension be relocated into the 15-17 acre preservation area comprised of locales 1, 4, 3, and 1&4 extension. L. Hazuka said there were 18 individuals identified within locales 2 and 2 extension with one probable burial. D. Hall wanted clarification on what was meant by 18 and 19. L. Hazuka said the 18 represented the 18 individuals and that 19 was being treated as a probable burial. L. Hazuka said five burials of the total 19 had a partial in situ component. C. Maxwell asked what the total number of burials that were being requested to be relocated was to which L. Hazuka answered 19. C. Maxwell wanted to know what would happen to locales 2 and 2 extension if the burials were relocated. L. Hazuka said she believed A&B had plans for the land in the future. B. Horneman said he did not presently plan to continue mining in locales 2 and 2 extension. C. Maxwell wanted to know why was there a request to relocate 19 burials if sand mining was not planned in the area. B. Horneman said the request for relocation was made by A&B and not Hawaiian Cement.

D. Hall said locale 3 had a high concentration of burials and that locale 2 also had a fairly high concentration of burials. D. Hall was concerned that the area between locales 3 and 2 may also have a high concentration of burials. B. Horneman said he did not know what A&B was proposing to do with the land in the future. B. Horneman said Hawaiian Cement did not presently plan to sand mine in locale 2.

C. Vicens said that if the burials in locales 2 and 2 extension were not relocated, then the lands south of the locales would be inaccessible and of no use to A&B. C. Vicens thought that if the burials were relocated into the proposed 15-17 acre preservation area, then a feature with a cultural garden could be created and the surrounding property outside of the proposed preservation area could be utilized. C. Vicens said A&B wanted to relocate the burials because the land south of the locales would become land-locked. C. Vicens said A&B was in negotiation with the County of Maui on possibly working out a deal for the 400 plus acres of which the burials and Hawaiian Cement was a part of. C. Vicens said the County of Maui was looking to possibly create a new regional park or possibly a future hospital or retirement home. C. Maxwell wanted to know the total acreage of all locales and extensions. C. Vicens thought the locales and extensions totaled close to 30 acres. C. Maxwell thought the 20 plus acres was a small amount to give for the preservation of the burials which had been part of the land for hundreds of years. C. Maxwell said he did not see the logic of the request to relocating the burials.

S. Fisher wanted to know how the property would become land-locked if the burials were not relocated. C. Vicens said that if the burials were preserved in place as is, he thought the easement to access the property south of the locales would be much too narrow. C. Vicens said that if the property ends up switching over to the County of Maui, he thought A&B would probably end up donating 50 percent of the property for preservation. C. Vicens wanted the *kupunas* to be preserved in an area where they could be honored with a rock wall to delineate the burial site so people would know exactly where the *kupunas* were. C. Maxwell wanted to know why the *kupunas* could not be honored by placing the entire area in preservation. C. Vicens said he was speaking on behalf of the landowner and wanted to point out that the land did have value.

W. Frampton wanted to know if sand was still being mined in the area. L. Hazuka said once a burial was found that sand mining had stopped. C. Vicens reiterated A&B's position to relocate the burials. C. Vicens thought that if the burials were relocated then the land south of the locales would be brought down to grade. C. Vicens wanted to know if the burials could be consolidated into an area a little smaller than as they currently were, into a preservation area of 17 acres instead of 50. C. Maxwell said the subject property was a sensitive issue because it has been ongoing for many years which had caused him a lot of frustration. C. Maxwell said the council had tried to stop sand from being mined in the area for a long time because of the amount of *iwi* that had been dug up. C. Vicens thought A&B and Hawaiian Cement had been very considerate with showing respect for the *kupunas*. C. Vicens said he understood the council's feelings having once sat on the MLIBC. C. Vicens asked if the *kupunas* could be relocated.

S. Fisher thought there were other solutions to the issue which had not been thoroughly explored. C. Vicens said he was simply presenting A&B's position and was open to listening to other suggestions and alternatives made by the council.

C. Vicens said he had a doctor's appointment that had been scheduled six months in advance, way before he knew he would be attending today's MLIBC meeting. C. Vicens said he had to leave and apologized for his early exit.

D. Hall wanted to know where A&B was in regards to the Special Use Permit (SUP) for the sand mining operation. C. Vicens said part of the issue involved the acceptance of the BTP and thought B. Horneman could offer a more in depth insight being that Hawaiian Cement was the applicant for the SUP. C. Vicens said that if A&B were allowed to relocate the burials, thought that sand would most likely continue to be mined to ground level on the open lands south of the proposed 17 acre preservation area. C. Vicens said he was more than willing to continue discussion of the issue at another time. D. Hall pointed out that if sand was continued to be mined that there would be additional discoveries of burials. C. Vicens acknowledged the point made by D. Hall. D. Hall said that if the council granted relocation of the burials then that would essentially grant relocation of future burials as well. C. Vicens said discovering future burials would be dependant on whether or not Hawaiian Cement would continue to mine in the area. C. Vicens reiterated A&B's position to relocate the burials in locales 2 and 2 extension. C. Vicens said he had to leave for his doctor's appointment and apologized for his early exit.

L. Kuloloio said the sand dune which ran through Hawaiian Cement, Maui Lani, Wailuku, and Waiehu had proven to contain lots of burials which were identified over the past 10 years. L. Kuloloio thought patterns had developed well enough to indicate where the *kupunas* had been buried. L. Kuloloio thought the area where sand was being mined was not aesthetically pleasing unless the property was developed with landscaping. L. Kuloloio thought the *kupunas* were buried in the sand dunes because they knew it was the most appropriate place to be buried during their time. L. Kuloloio was not concerned with what Maui county had planned for the 400 plus acres owned by A&B. L. Kuloloio thought 19 burials was a lot of *iwi* to relocate. L. Kuloloio did not like the idea that if the burials were relocated that sand would most likely continue to be mined in the area which would lead to the discovery of more burials. L. Kuloloio said he wanted to protect locales 1, 2, 3, and 4 in place as is.

Foster Among from the Lahaina district introduced himself and said he was troubled by A&B's request to relocate the burials in locale 2 and 2 extension. F. Among thought it was wrong to relocate burials and did not want the council to grant A&B's request.

D. Hall wanted to know where Hawaiian Cement was in regards to the SUP. B. Horneman said the SUP was basically [waiting] for sand studies and that all other requirements by the county had been met. D. Hall asked if the sand studies referred to was the same sand studies conducted by Howard Hanzawa. B. Horneman said the report by H. Hanzawa was part of the studies but there was an additional study being carried out by Ameron. B. Horneman was not sure exactly where the SUP stood and mentioned Chris Hart and Associates were his consultants handling the SUP. D. Hall asked if the SUP applied for would go to the State Land Use Commission for approval to which B. Horneman answered yes.

L. Kuloloio wanted to know if the project area currently being leased from A&B by Hawaiian Cement would be the last project area that sand would be mined from and if not, how long more did Hawaiian Cement plan to mine sand. B. Horneman said Hawaiian Cement was leasing 59 acres from A&B but due to the amount of burials discovered, were basically confined to mine from only 16 acres. B. Horneman said Hawaiian Cement was near completion of mining sand from the 16 acres and was in the process of negotiating an additional parcel to lease from A&B. B. Horneman thought the new parcel that Hawaiian Cement hoped to lease from A&B would be far less troublesome mainly because there were less sand dunes and the area in general was much flatter. L. Kuloloio asked if Hawaiian Cement foresaw another property in the future whether owned by A&B or not that may be pursued for sand mining operations. At the present time B. Horneman said his answer was no. L. Kuloloio wanted to know how many more years did Hawaiian Cement plan to continue sand mining. B. Horneman said he could not answer the question asked by L. Kuloloio because he was not sure what the answer was.

C. Maxwell requested L. Hazuka bring someone from the county who could answer questions about the county's involvement with A&B's 400 plus acre property. In regards to a point made earlier by C. Vicens about A&B's likeliness to donate 50 percent of the 400 plus acres for preservation, C. Maxwell wanted someone from the county to confirm what was said by C. Vicens. L. Kuloloio wanted future development plans for the project area to be distributed to the council.

**F. PRESERVATION PLAN FOR A MULTI-COMPONENT SITE WHICH CONTAINS BURIALS, PALAUEA AHUPUAA, MAKAWAO DISTRICT, ISLAND OF MAUI, TMK: 2-1-11: 28**

**Information/Recommendation:** Discussion of proposed changes to an accepted preservation plan.

L. Hazuka of ASH introduced herself and Anthony Gonzales the architect on the project. L. Hazuka distributed handouts to the council and identified the preservation area on one of the handouts that was highlighted in green. L. Hazuka said there was a rich site in the preservation area with multiple cultural layers and two burial sites. L. Hazuka said one of the burial sites was post-Contact and had lineal descendanty claims. D. Hall mentioned it was Nathan Napoka, a former staff member of SHPD who was recognized as lineal descendant. C. Maxwell asked if the burial was in situ and articulated to which L. Hazuka said yes. L. Hazuka said there also was a pre-Contact burial.

L. Hazuka said the landowner sort of had a restricted access to their home because of the closeness of the preservation area to the driveway. L. Hazuka said the original landowner had a five foot access to the property. L. Hazuka said access was later requested to be increased to eight feet to allow SUVs (sport utility vehicles) to travel through the area. L. Hazuka said the accepted preservation plan was for a five foot access. L. Hazuka said an amendment was granted to allow the access to be increased to eight feet. L. Hazuka thought a mound in the area was created to serve as a visual buffer as well as a protective buffer to prevent people from driving onto the preservation area. L. Hazuka said the subject property was originally one parcel that

had been subdivided into two lots. L. Hazuka said the other lot closer to Polo Beach had been developed with two residences on the property. L. Hazuka said the new landowner of TMK: 2-1-11:28 which was undeveloped had a problem with the eight foot access because the access was not wide enough for construction equipment to get onto the property. L. Hazuka said emergency vehicles such as fire trucks and ambulances also would not fit through the eight foot wide access. L. Hazuka said the landowner wanted to construct a cantilever driveway that would encroach four feet into the preservation area.

A. Gonzales said the proposal was to construct a cantilever bridge and have the portions that touched the ground anchored on the original five foot access which would be outside of the preservation area. C. Maxwell wanted to know how far the bridge would be from the burial. A. Gonzales said the bridge would be about 10 feet away from the edge of the burial platform. L. Hazuka said there would be a plaque with signage placed on top of the rock platform.

D. Hall said the subject property could have had an easement from the adjacent property to the south prior to the southern property having been developed. D. Hall said the first burial closest to Makena Road was identified during inventory survey. D. Hall said the property was originally owned by a Japanese company that planned to build a boutique hotel, but eventually sold the property. D. Hall said the new owners continued to do data-recovery in which archaeological sites and a second burial was identified. D. Hall said the property was later purchased and subdivided by Ed Bello and Jack Kean. D. Hall said the parcel closest to Polo Beach was immediately developed upon subdivision by J. Kean. D. Hall said both E. Bello and J. Kean agreed to the current preservation area. D. Hall said a finger of bedrock separated the two parcels. L. Hazuka said the landowner of the subject property explored the possibility of creating a road through a drainage area.

S. Fisher wanted to know what would be destroyed or damaged if an approval was granted to widen the current eight foot easement. L. Hazuka said nothing would be destroyed. A. Gonzales said the base of the proposed cantilever would be outside of the preservation area which would prevent damage to the sites in the area. D. Hall said the lack of access to the subject property would practically prevent the property from being developed.

K. Kanakaole asked if the proposed widening of the access road was for the purpose of developing the property to which L. Hazuka answered yes. K. Kanakaole suggested the possibility of temporarily widening the access road to develop the property and reduce the access back to eight feet in width once construction of the property was finished. A. Gonzales said he drove a Ford F-150 truck and thought the eight feet access road would be really tough to navigate through. A. Gonzales thought the eight feet access road was too narrow for an ambulance to fit through. K. Kanakaole said he owned a Ford F-150 and would not have any trouble driving through an eight foot wide access road.

L. Kuloloio wanted the preservation area to remain as is. L. Kuloloio said the subject property had changed owners which changed the development plans for the property.

L. Kuloloio was not sure if a road through the riverbed was good idea due to the possibility of a heavy rain that could cause a flood and wash out the area. S. Fisher asked if the access road could be widened through an easement on the adjacent landowner's property. A. Gonzales did not think S. Fisher's suggestion was feasible.

L. Hazuka said the landowner noticed erosion starting to occur in the drainage area. L. Hazuka said the landowner wanted to protect the site and thought if the road was widened, then the road could be landscaped in a way to prevent further erosion. L. Hazuka said the preservation site would not be encroached on and the site would remain as is. L. Hazuka said four feet of the cantilever bridge would be above the preservation area. D. Hall wanted to know the distance the cantilever would run over the preservation area to which A. Gonzales said was 38 feet which tapered towards the ends. L. Hazuka said the landowner wanted to construct the cantilever driveway to develop the property. L. Hazuka wanted to know what type of landscaping the council wanted around of the rock platform.

L. Kuloloio said a preservation plan was in place and felt the new landowner wanted to use a preservation plan that was created for someone else. L. Kuloloio did not like the idea of the new landowner using someone else's preservation plan. K. Kanakaole asked if there was a photograph in the handout that showed where the proposed cantilever would be built. A. Gonzales said photographs two and three showed where the cantilever would be built.

P. Paoa said she was against widening the access road. A. Gonzales thought the cantilever proposal was a good idea that would benefit all parties involved. A. Gonzales also thought of the idea of placing sand in the area to widen the road. A. Gonzales wanted the council to be more open in exploring new ideas. C. Maxwell said the council always tried to take the position of what the *kupunas* would have wanted. L. Kuloloio was against using sand to widen the access road.

**L. Kuloloio moved and S. Fisher seconded, "that the Maui/Lanai Islands Burial Council does not accept any changes or alteration to the preservation site and stick with the current preservation plan."**

W. Frampton asked if the cantilever was intended to be a permanent structure to which A. Gonzales answered yes. W. Frampton said he understood the restrictions of an eight foot access road and thought short-term temporary solutions should be explored. D. Hall asked if the motion was not to approve the landowner's request to which the answer was yes. It was agreed that the agenda item would be revisited when short-term measures were developed.

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

**G. BURIAL TREATMENT PLAN AMENDMENT FOR STATE SITE NOS. 50-50-14-5089, 5090, 5091 LOCATED AT HONUULA, MAKAWAO, ISLAND OF MAUI, TMK: 2-1-06: 34, 35.**

**Information/Recommendation:** Discussion regarding amendment to original Burial Treatment and Preservation Plan.

Francis Ululani Lavilla introduced herself and said wanted to re-landscape the preservation area to include more native Hawaiian plants. F. Lavilla said she submitted a list of the plants she wanted to have in the preservation area. D. Hall directed the council's attention to F. Lavilla's formal request which was attached at the end of the burial treatment and preservation plan (BTPP). F. Lavilla said she had the written consent of the landowner (Timothy Farrington) which was also attached to the BTPP. F. Lavilla said the landowner's landscaper/designer was Brent Deatheridge and that B. Deatheridge would landscape the proposed changes. D. Hall asked F. Lavilla if she wanted to change the landscape planting plan contained within the BTPP for sites 50-50-14-5089, 5090 and 5091, to which the answer was yes. D. Hall thought F. Lavilla's request included better plants. S. Fisher and K. Kanakaole also liked the plants that were proposed to be landscaped into the preservation area. W. Frampton recused from participation on the agenda item because he was involved with the original project the BTPP was developed for.

**D. Hall moved and M. Wong seconded, "that the Maui/Lanai Islands Burial Council recommends approval of the new landscaping plan for site 50-50-14-5089, 5090 and 5091 at Mooiki, Honuaula.**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

D. Hall asked H. Rodrigues if he would draft a letter on the recommendation made for this particular agenda item. H. Rodrigues said he would draft a letter.

#### **H. CORRESPONDENCE FROM THE UNIVERSITY OF PENNSYLVANIA MUSEUM OF ARCHAEOLOGY AND ANTHROPOLOGY.**

**Information/Recommendation:** Discussion regarding communication dated April 21, 2006.

D. Hall said there was a letter that informed the council about the discovery of a native Hawaiian cranium by a native Hawaiian student at the University of Pennsylvania. D. Hall said the student contacted Edward Ayau of Hui Malama I Na Kupuna O Hawaii Nei for advice. D. Hall said the student felt very strongly that the cranium had originated from the island of Hawaii although there was no factual evidence to support the cranium's place of origin. D. Hall said E. Ayau presented the issue before the Hawaii Island Burial Council (HIBC). D. Hall said the HIBC accepted responsibility for the cranium and would be also ensure the cranium's reinterment. D. Hall said the MLIBC was simply being included in the consultation process. D. Hall said she was fine with the cranium being reinterred on the island of Hawaii. D. Hall said the cranium was presently being curated at Puuhonua O Honaunau.

S. Fisher wanted to know if the issue was researched by the University of Pennsylvania. D. Hall thought the issue was researched but did not yield any information about the cranium. C. Maxwell thought the main issue was that the native Hawaiian cranium was back in Hawaii. L. Kuloloio also thought it was important that the cranium be returned to Hawaii.



D. Hall moved and K. Kanakaole seconded, “that the Maui/Lanai Islands Burial Council recommends that the cranium from the University of Pennsylvania be reinterred on the island of Hawaii at a suitable location.”

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

**I. CASE UPDATES / OTHER INADVERTENT DISCOVERIES**  
**Information / Recommendation:**

Status Update on Inadvertent Burial Discovery along the South Munro Trail leading to Lanaihale, State Inventory of Historic Properties Number 50-40-98-1961, Kaohai Ahupuaa, Lahaina District, Lanai Island, TMK: 4-9-002: portion 001.

H. Rodrigues thought Tanya Lee-Greig, the lead archaeologist on the project would be at the meeting. H. Rodrigues said another set of *iwi* was discovered at the project location. P. Paoa said Hallett Hammatt, T. Lee-Greig and herself wrapped the *iwi* in *tapa* and placed the *tapa* in a *lauhala* basket. P. Paoa said the basket was placed in a locked box and informed the council that there were seven sets of remains to date. P. Paoa said the *iwi* would most likely be reinterred sometime in June.

Inadvertent Burial Exposure at Hamakuapoko Seashore, Site 50-50-05-1265, Hamakuapoko Ahupuaa, Hamakuapoko District, Island of Maui, TMK: (2) 2-5-4: 24.

H. Rodrigues said he had entered into negotiation with Alexander and Baldwin (A&B) and that SHPD would most likely reinter at the property adjacent to the upper level parking area at Hookipa Beach Park for the reinterment site. D. Hall noted that she had suggested reinterment at this location and that the parcel was designated open space. H. Rodrigues said schedules needed to be coordinated to start the preparation process for reinterment of the *iwi*. C. Maxwell asked if SHPD had the supplies for reinterment. C. Maxwell asked K. Farm to be sure the *iwi* could be held at its current location for a three month period. C. Maxwell asked H. Rodrigues to be sure that when negotiating with A&B, that A&B agree to provide heavy equipment to dig the reinterment pit and other equipment that may be needed. L. Kuloloio extended an invitation to the other council members to participate with the reinterment process. K. Farm said he was in the process of putting together a proposal on the cost of the supplies. C. Maxwell said he spoke with Peter Young and conveyed his feelings that the state should bare some of the expense for the Hamakuapoko project. C. Maxwell told K. Farm to let him know the total cost for the supplies and C. Maxwell would speak with P. Young about appropriating funds for the project.

D. Hall said C. Maxwell, H. Rodrigues and herself had met with A&B and H. Rodrigues has been in contact with A&B about acquiring the reinterment site. D. Hall the proposed pasture land would make for a nice reinterment site that was along the same shoreline from which the *iwi* came from. D. Hall said the proposed reinterment site was the nearest and most acceptable piece of property that was also not subject to erosion. D. Hall said SHPD had a curated inventory that should also be reinterred with the most recent discoveries from Hamakuapoko. D. Hall thought A&B had a responsibility to help

with the Hamakuapoko project because the *iwi* had eroded from a piece of property owned by A&B.

C. Maxwell asked K. Kanakaole to give a closing prayer because the council forgot to give a *pule wehe* at the start of the meeting.

### **III. ANNOUNCEMENTS**

No announcements were made.

### **IV. ADJOURNMENT**

**W. Frampton moved and E. Kaahui seconded, “that the council adjourn the meeting at 12:40 p.m.**

**VOTE: ALL IN FAVOR. The motion carried unanimously.**

Respectfully Submitted,

Kawika Farm  
Clerk Stenographer II  
State Historic Preservation Division